

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**PORIS CAUNOBLY,**

**Petitioner,**

**V.**

**ERIC HOLDER, JR., et al,**

### Respondents.

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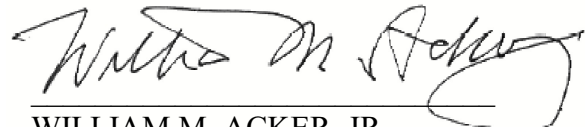
**Case No.: 4:13-cv-1571-WMA-JEO**

# MEMORANDUM OPINION

This case is before the court on the Petition for Habeas Corpus that was initially filed by Poris Caunobly in the Southern District of New York, but was later transferred to the Northern District of Alabama. (Docs. 1-3). After review, the magistrate judge noted that Petitioner already had a virtually identical habeas petition pending in this district, Case Number 4:13-cv-1125-JFG-JEO. Thus, the magistrate judge entered an order requiring Petitioner to show cause why the instant petition should not be dismissed as duplicative of the petition that was filed in 4:13-cv-1125-JFG-JEO. On September 12, 2013, Petitioner filed a response acknowledging that the petitions state the same cause of action and seek identical relief. (Doc. 5 at 2). Further, Petitioner does not object to the dismissal of the instant petition. (*Id.*) Accordingly, the above-styled petition is due to be dismissed without prejudice as duplicative of the petition filed in 4:13-cv-1125-JFG-JEO. *See Joyner v. Baker*, CIV.A. 1:07-CV-2908T, 2008 WL 178584 (N.D. Ga. Jan. 17, 2008) (citing *Durbin v. Jefferson Nat'l Bank*, 793 F.2d 1541, 1551-52 (11th Cir.1986) for the proposition that in “order to avoid duplicative litigation, a trial court may, in the exercise of its discretion, either stay or dismiss [a] duplicative action.”).

A separate order will be enter.

**DONE** this 13th day of September, 2013.



WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE